

**Staff
Summary
Report**



To: Mayor & City Council
Through: City Manager

Agenda Item Number: 31
Meeting Date: 3/22/01

SUBJECT: INTERGOVERNMENTAL AGREEMENT AMENDMENTS WITH THE CITY OF PHOENIX AND THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA) FOR REGIONAL TRANSIT SERVICES

PREPARED BY: CARLOS DE LEON, ASSISTANT TRANSIT MANAGER (350-8527)

REVIEWED BY: MARY O'CONNOR, TRANSIT MANAGER (350-8819)
GLENN KEPHART, DEPUTY PUBLIC WORKS MANAGER (350-8205)

BRIEF: Authorize the Mayor to sign intergovernmental agreement amendments with the City of Phoenix for the provision of fixed route bus service, and with the RPTA for fixed route bus service, dial-a-ride service, and regional customer service activities.

COMMENTS: **PUBLIC TRANSIT (1106)** Authorize the Mayor to sign intergovernmental agreements amendments with the City of Phoenix for bus service, and with the RPTA for bus service, dial-a-ride service, and regional customer service activities.

Document Name: (20010322pwcdf01) **Supporting Documents:** Yes

SUMMARY: In June 2000, the Mayor and Council approved five year intergovernmental agreements with the City of Phoenix and RPTA for selected regional routes operating in Tempe, dial-a-ride service and regional customer service. Each year these agreements are amended to reflect changes in bus schedules, hours of operation, or routes.

For FY 00-01, the Tempe/Phoenix intergovernmental agreement amendment states the City of Phoenix Public Transit Department will provide approximately 154,909 annual miles of fixed route bus service in Tempe. The cost of this service is offset by fares collected from passengers and budgeted City of Tempe LTAF (lottery) and sales tax monies.

For FY 00-01, the Tempe/RPTA fixed route, dial-a-ride, and customer service intergovernmental agreement amendments state that:

- RPTA will provide approximately 961,000 annual miles of fixed route bus service paid for by the City of Tempe, with additional mileage provided by RPTA in Tempe through their 1985 Proposition 300 monies.
- The City of Tempe will provide approximately 640,000 annual miles of fixed route bus service in neighboring cities and in Tempe. This service is paid for by those cities through RPTA and the RPTA 1985 Proposition 300 monies.
- RPTA will also provide coordinated dial-a-ride service throughout Tempe, Chandler, Gilbert, Mesa and Scottsdale with 19,503 revenue service hours in Tempe.
- RPTA will provide regional customer communications and customer service for bus service operated in Tempe.

The cost of services provided by RPTA is offset by passenger fares, capital cost of contracting grants, RPTA Community Funded Transit allocations, a State grant funded by the Vehicle License Tax and budgeted City of Tempe LTAF and sales tax monies.

FISCAL NOTE: Costs for transit services have been budgeted in the FY 00-01 transit operating budget. The estimated cost for FY 00-01 transit service under the City of Phoenix contract (cost center 3911, account 6620) is \$619,456. The estimated cost for FY 00-01 service under the RPTA contract is \$2,570,110 for fixed route transit service and \$842,419 for customer service activities (cost center 3911, account 6620) and \$811,184 for dial-a-ride service (cost center 3911, account 6622). The estimated payment for out of jurisdiction service provided by the City of Tempe is \$1,704,786. Revenue will be deposited to cost center 3911, account 4218.

RECOMMENDATION: That the City Council authorize the Mayor to sign intergovernmental agreements amendments with the City of Phoenix for bus service and with the RPTA for fixed route bus service, dial-a-ride service, and regional customer service activities.

Approved by:

Howard C. Hargis
Public Works Manager

AMENDMENT NO. 1
TO
AGREEMENT NO. 88400
(City of Tempe Agreement No. C2000-146)

THIS AMENDMENT NO. 1 TO AGREEMENT NO. 88400 is made and entered into this ____ day of January, 2001, by and between the City of Phoenix, a municipal corporation duly organized and existing under the laws of the state of Arizona (hereinafter referred to as "PHOENIX"), and the City of Tempe, a municipal corporation duly organized and existing under the laws of the state of Arizona (hereinafter referred to as "TEMPE").

WHEREAS, on or about July 12, 2000, the parties did enter into Agreement No. 88400 (City of Tempe Agreement No. C2000-146) (hereinafter referred to as the "Principal Agreement") pursuant to which PHOENIX provides transit service to TEMPE; and,

WHEREAS, Exhibit "A" to the Principal Agreement sets forth the compensation provisions of said Agreement for fiscal year 1999-2000; and,

WHEREAS, the parties intend to Amend Exhibit "A" to the Principal Agreement to set forth the compensation provisions of said Agreement for fiscal year 2000-2001; and,

WHEREAS, the parties intend to Amend Section I, Subsection E, to correct an internal reference pertaining to Exhibit "A"; NOW, THEREFORE, IT IS HEREBY AGREED, by and between the parties, as follows:

SECTION 1. That Exhibit "A" to the Principal Agreement be, and it is hereby, amended to read, in its entirety in accordance with the new Exhibit "A" attached hereto and by this reference incorporated herein.

SECTION 2. That Section I, Subsection E to the Principal Agreement be, and the same is hereby, amended to read, in its entirety, as follows:

"E. Notification.

Based upon available information, PHOENIX shall notify TEMPE as soon as reasonably practicable if the maximum contract costs for service, as estimated herein, appears to be insufficient to pay the actual cost of service provided. Thereafter, the amount due hereunder shall be adjusted to reflect the new estimate of the cost of service. There shall also be a final year-end reconciliation as described in **Exhibit "A," paragraph E.**"

SECTION 3. The effective date of the amendments set forth herein shall be July 1, 2000.

SECTION 4. All of the rest, residue and remainder of the Principal Agreement, not hereinbefore specifically amended by Sections 1 and 2 hereof, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 1 to Agreement No. 88400 (City of Tempe Agreement No. C2000-146) on the day and year first above written.

CITY OF PHOENIX, a municipal corporation

FRANK FAIRBANKS, City Manager

By: _____

Neal E. Manske
Public Transit Director

ATTEST:

City Clerk - PHOENIX

APPROVED AS TO FORM:



ACTING City Attorney - PHOENIX

APPROVED BY PHOENIX CITY COUNCIL BY FORMAL ACTION ON 6/28/00.

CITY OF TEMPE, ARIZONA
A Municipal Corporation

By: _____

Neil Giuliano, Mayor

ATTEST:

City Clerk - TEMPE

APPROVED AS TO FORM:

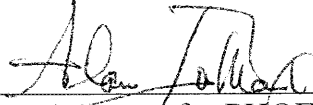
City Attorney - TEMPE

APPROVED BY TEMPE CITY COUNCIL BY FORMAL ACTION ON _____.

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INTERGOVERNMENTAL AGREEMENT DETERMINATION

In accordance with the requirements of Section 11-952(D), Arizona Revised Statutes, each of the undersigned attorneys acknowledge: (1) that they have reviewed the above Amendment on behalf of their respective clients; and, (2) that, as to their respective clients only, each attorney has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.



Attorney for PHOENIX

Attorney for TEMPE

01-31-004

**INTERGOVERNMENTAL
AGREEMENT AMENDMENT**

As of the 1st day of July, 2000, this amends the following items of the Transit Service Agreement entered into between the City of Tempe and the RPTA, dated the 1st day of July, 1998, as amended as of July 1, 1999.

The following sections replace and supersede those sections of the agreement entered into July 1, 1998, as amended as of July 1, 1999:

SECTION 1: SERVICE AREA AND TRANSIT SERVICES

The service area and service shall be designated and defined in Schedule A and shall be operated during the term of this Agreement.

SECTION 4: CITY RESPONSIBILITY

- 4.4 The CITY shall pay the RPTA \$2,570,110 in accordance with Schedule D, for all expenses incurred by the RPTA in the operation of Routes 30, 61, 72, 81, 520 and 521.
- 4.5 Payments made by the CITY to the RPTA for operation of Routes 30, 61, 72, 81, 520 and 521, shall consist of four (4) equal installments of \$642,527.50 and shall be made as follows:

Payment No. 1 is due within thirty (30) calendar days following the execution of this Agreement by both parties.

Payment No. 2 is due on or before December 1, of each year.

Payment No. 3 is due on or before January 1, of each year.

Payment No. 4 is due on or before April 1, each year.

Late payments shall be subject to a 12% annual charge computed on a monthly basis.

The attached Schedule A replaces and supercedes Schedule A entered into July 1, 1999.

The attached Schedule C replaces and supercedes Schedule C entered into July 1, 1999.

The attached Schedule D replaces and supercedes Schedule D entered into July 1, 1999

The attached Schedule E replaces and supercedes Schedule E entered into July 1, 1999.

The following sections add to those sections of the agreement entered into July 1, 1999:

SECTION 3: RPTA RESPONSIBILITY

3.4 The RPTA shall pay City \$1,704,786, in accordance with Schedule D, for a prorated portion of the expenses incurred by City in the operation of Routes 30, 45, 56, 77, 92 and 108.

3.5 Payments made by the RPTA to the City for operation of Routes 30, 45, 56, 77, 92 and 108 shall consist of four (4) equal installments and shall be made as follows:

Payment No. 1 is due within thirty (30) calendar days following the execution of this Agreement by both parties.

Payment No. 2 is due on or before December 1, of each year.

Payment No. 3 is due on or before January 1, of each year.

Payment No. 4 is due on or before April 1, each year.

Late payments shall be subject to a 12% annual charge computed on a monthly basis.

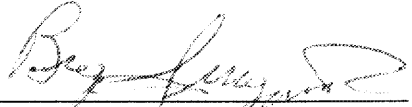
IN WITNESS WHEREOF, the parties have executed this Agreement as of the _____
of _____, 2000.


By: _____
Neil Guiliano
Mayor

By: G. Kenneth Driggs
G. Kenneth Driggs
Executive Director

ATTEST: _____
Tempe City Clerk

APPROVED AS TO FORM:
City of Tempe

ATTEST:  _____
Bryan Jungwirth, Director of
Planning and Partnerships

 _____
APPROVED AS TO FORM:
Regional Public Transportation Authority

SCHEDULE A

The following routes are funded in whole or in part by the RPTA to the benefit of the City of Tempe and RPTA.

Routes

61
72
81
44/92
520
521
531 (Express service through Tempe with no stops in Tempe)
532 (Express service through Tempe with no stops in Tempe)
540
541 (Express service through Tempe with no stops in Tempe)
Red Line

The following routes are funded in whole or in part by the City of Tempe and/or RPTA to the benefit of either party.

Routes

30
45
56

Schedule C

CITY OF TEMPE

Conventional Transit Services

(a)	Regional Bus Service (including express)	\$ 1,854,610
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Community Funded Transportation Services	\$ 55,602*
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Local Transportation Assistance Funds (1/3 transit expenditure requirement)	\$ 319,718
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Fiscal Year 2000-01

*Reimbursement based upon statement of services provided on a quarterly basis.

SCHEDULE D

City of Tempe Cost Estimate for RPTA Service

For the period July 1, 2000 to June 30, 2001 it is estimated that the City of Tempe will pay the Regional Public Transportation Authority **\$2,570,110** for service on Routes 30, 61, 72, 81, 520 and 521.

RPTA Contracted Service Funded by City of Tempe						
Contract Estimate for FY 2000-2001						
Weekday Service					RPTA	
Jurisdiction	Route	Miles	Costs	Fares	Admin	Net Cost
Chandler	72	29,279.1	\$95,157	\$23,285	\$1,012	\$72,885
Chandler	81	4,597.4	\$15,382	\$1,484	\$139	\$14,037
Mesa	30	20,193.0	\$60,959	\$9,144	\$0	\$51,815
Mesa	61	29,802.5	\$96,858	\$32,717	\$1,030	\$65,172
Phoenix	520	2,768.6	\$8,998	\$1,649	\$96	\$7,445
Phoenix	521	5,486.4	\$17,831	\$5,019	\$190	\$13,002
Scottsdale	72	0	\$0	\$0	\$0	\$0
Tempe *	30	135,836.4	\$410,066	\$61,510	\$0	\$348,556
Tempe	61	94,998.2	\$308,744	\$70,099	\$3,283	\$241,929
Tempe	72	177,669.6	\$577,426	\$139,977	\$6,139	\$443,588
Tempe	81	249,514.4	\$775,950	\$70,673	\$7,566	\$712,842
Tempe	520	1,651.0	\$5,366	\$1,439	\$57	\$3,984
Tempe	521	3,860.8	\$12,548	\$4,995	\$133	\$7,686
Total Weekday		755,657.4	\$2,385,284	\$421,989	\$19,645	\$1,982,940

Saturday Service					RPTA	
Jurisdiction	Route	Miles	Costs	Fares	Admin	Net Cost
Chandler	72	5,826.5	\$18,936	\$2,935	\$201	\$16,202
Mesa	30	4,213.5	\$12,720	\$1,908	\$0	\$10,812
Mesa	61	8,537.6	\$27,747	\$6,508	\$295	\$21,534
Tempe *	30	\$27,182.8	\$82,060	\$12,309	\$0	\$69,751
Tempe	61	25,255.7	\$82,081	\$11,682	\$873	\$71,272
Tempe	72	32,463.8	\$105,507	\$21,164	\$1,122	\$85,465
Tempe	81	17,292.5	\$56,720	\$4,827	\$524	\$52,417
Total Saturday		120,772.4	\$385,771	\$61,334	\$3,015	\$327,452
Sunday Service					RPTA	
Jurisdiction	Route	Miles	Costs	Fares	Admin	Net Cost
Chandler	72	5,220.1	\$16,965	\$949	\$180	\$16,196
Mesa	61	3,449.7	\$11,212	\$1,492	\$119	\$9,838
Tempe	61	11,169.9	\$36,302	\$3,841	\$386	\$32,848
Tempe	72	40,351.0	\$131,141	\$13,765	\$1,394	\$118,770
Tempe	81	24,065.5	\$84,978	\$3,641	\$730	\$820,067
Total Sunday		84,256.2	\$280,598	\$23,688	\$2,809	\$259,718
Total Tempe Service		960,686.0	\$3,051,653	\$507,011	\$25,469	\$2,570,110
* Operated through Mesa's contract with Forsythe						

Schedule D
Continued

RPTA Cost Estimate for City of Tempe Services

For the period July 1, 2000 to June 30, 2001, it is estimated that the Regional Public Transportation Authority will pay the City of Tempe:

				\$1,704,786		
for service on Routes 30, 45, 56, 77, 92 and 108.						
Weekday Service						
Jurisdiction	Route	Miles	Costs	Fares	Admin	Net Cost
Phoenix	30	1,704	\$5,352	\$535	\$0	\$4,817
Phoenix	45	114,380	\$359,153	\$71,831	\$0	\$287,323
Mesa	45	264,080	\$829,212	\$124,382	\$0	\$704,830
Phoenix	56*	19,653	\$61,710	\$5,610	\$0	\$56,100
Phoenix	77	71,449	\$224,351	\$33,653	\$0	\$190,698
Tempe/Phoenix	92	22,454	\$70,504	\$10,576	\$0	\$59,929
Chandler	108	6,734	\$21,145	\$634	\$0	\$20,510
Gilbert	108	18,086	\$56,789	\$1,704	\$0	\$55,085
Mesa	108	4,329	\$13,593	\$408	\$0	\$13,185
Total Weekday		522,869	\$1,641,809	\$249,332	\$0	\$1,392,477
* RPTA annual payment is fixed at \$56,100 for Route 56.						
Saturday Service						
Jurisdiction	Route	Miles	Costs	Fares	Admin	Net Cost
Phoenix	30	604	\$1,897	\$190	\$0	\$1,707
Phoenix	45	19,033	\$59,764	\$11,953	\$0	\$47,811
Mesa	45	47,629	\$149,556	\$22,433	\$0	\$127,123
Phoenix	77	15,488	\$48,632	\$7,295	\$0	\$41,337
Chandler	108	1,365	\$4,286	\$129	\$0	\$4,158
Gilbert	108	3,666	\$11,511	\$345	\$0	\$11,166
Mesa	108	878	\$2,755	\$83	\$0	\$2,673
Total Saturday		88,663	\$278,401	\$42,427	\$0	\$235,974
Sunday/Holiday Service						
Jurisdiction	Route	Miles	Costs	Fares	Admin	Net Cost
Phoenix	30	4,740	\$14,884	\$1,488	\$0	\$13,395
Phoenix	45	10,850	\$34,069	\$6,814	\$0	\$27,255
Phoenix	77	13,370	\$41,982	\$6,297	\$0	\$35,685
Total Sunday		28,960	\$90,934	\$14,599	\$0	\$76,335

<u>Schedule D</u>						
<u>Continued</u>						
Annual Totals						
Jurisdiction	Route	Miles	Costs	Fares	Admin	Net Cost
Phoenix	30	7,048	\$22,132	\$2,213	\$0	\$19,919
Phoenix	45	144,263	\$452,986	\$90,597	\$0	\$362,389
Mesa	45	311,710	\$978,768	\$146,815	\$0	\$831,953
Phoenix	56*	19,653	\$61,710	\$5,610	\$0	\$56,100
Phoenix	77	100,307	\$314,965	\$47,245	\$0	\$267,720
Tempe/Phoenix	92	22,454	\$70,504	\$10,576	\$0	\$59,929
Chandler	108	8,099	\$25,431	\$763	\$0	\$24,668
Gilbert	108	21,752	\$68,300	\$2,049	\$0	\$66,251
Mesa	108	5,207	\$16,348	\$490	\$0	\$15,858
Total		640,492	\$2,011,144	\$306,358	\$0	\$1,704,786

Schedule E

Regional Services Costs

For the period July 1, 2000 to June 30, 2001 the City of Tempe will pay the Regional Public Transportation Authority \$842,419 for regional customer communications and customer services costs. This amount shall be billed in four equal installments and will be reconciled after June 30, 2000. Additional miles of service provided by CITY, either directly or indirectly provided shall result in an adjustment of regional mileage share and costs.

Total Miles Purchased	Regional Mileage Share	Total Cost
3,951,580	21.7%	\$842,419

**INTERGOVERNMENTAL
AGREEMENT AMENDMENT**

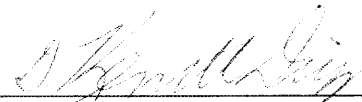
As of the 1st day of July, 2000, this amends the following items of the East Valley Dial-a-Ride Agreement entered into between the City of Tempe and the RPTA, dated the 1st day of July, 1999.

The following section replaces and supersedes that section of the agreement entered into July 1, 1999.

The attached Schedule C replaces and supercedes Schedule C entered into July 1, 1999.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the _____
of _____, 2000.


By: _____
Neil G. Giuliano
Mayor

By: _____
G. Kenneth Driggs
Executive Director

ATTEST: _____
Tempe City Clerk

ATTEST: _____
Bryan Jungwirth,
Director of Planning
and Partnerships

APPROVED AS TO FORM:
City Attorney

_____
APPROVED AS TO FORM:
Regional Public Transportation Authority

SCHEDULE C

FINANCIAL INFORMATION

I. Sources of Project Operating Budget:

FY 2000-2001

For the period of time July 1, 2000 through June 30, 2001, the City of Tempe will pay RPTA **\$811,184** for provision of East Valley Dial-a-Ride services in four (4) quarterly installments of **\$202,796** at the beginning of each calendar quarter.

The amount set forth above may include an appropriation by the RPTA Board of Directors of Community Funded Transportation (CFT) dollars. Any appropriation for FY 2000-2001 CFT funding shall not determine subsequent appropriations and all such appropriations during the term of this Agreement shall be at the sole discretion of the RPTA Board of Directors.

Funding for the provision of dial-a-ride services under this agreement will be proportionately allocated to each city participating in the East Valley Dial-a-Ride based upon the number of vehicle revenue service hours (VRSH) provided in the respective city. VRSH shall be allocated between the Cities based upon the actual number of minutes vehicle(s) are located within the geographic boundaries of each city. VRSH shall accrue from the moment a vehicle picks-up its first passenger at the beginning of a daily shift until the vehicle drops-off its last passenger at the end of a daily shift. VRSH shall exclude any time (such as mechanical breakdown time and lunch breaks) when the vehicle is not available to provide revenue generating passenger transportation. RPTA shall maintain driver logs and/or dispatcher records showing the times at which vehicles are in service and the times at which vehicles enter and leave each city's boundaries, together with all other information necessary to determine VRSH as described herein.

At the end of each fiscal year, RPTA will conduct a financial reconciliation of the cost of service (including any administrative fees). RPTA shall credit each City participating in the East Valley Dial-a-Ride its appropriate share of federal revenues received based upon VRSH incurred in the fiscal year as applicable.

II. Projected Service Level: FY 2000-2001

(For the period July 1, 2000 - June 30, 2001)

A. Revenue Hours:

Tempe: 19,503

III. Administrative Fee

Included in the estimated operating budget above, is a fee of \$44,990 charged by RPTA to administer, monitor, and market the project. The administrative fee has been divided among the Cities based upon the actual number of VRSH provided in each City. The Administrative Fee, and all service fees, will be due on a quarterly basis, commencing July 1, 2000.

IV. Capital Expenses

Exclusive to the estimated operating budget above, RPTA will incur the following estimated capital expenses on behalf of CITY. CITY shall reimburse RPTA within 30 days of receipt of invoice for its appropriate prorata share of capital costs which are estimated below:

- A. Purchase of 6 vehicles for EVDAR service = \$30,600
- B. Purchase of Y2K compliant computer equipment hardware and software for automated scheduling and dispatching system = \$18,671.